



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

AGENDA

TUESDAY, JUNE 18, 2019
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD, MILPITAS, CA
5:30 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara
Santa Clara County Superior Court Case No. 18CV325480

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: Human Resources Director Liz Brown, City Attorney Chris Diaz
Employee: Interim City Manager

(c) PUBLIC EMPLOYEE RELEASE

Pursuant to Government Code Section 549547

Title: City Manager

(d) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: Steve McHarris, Interim City Manager

Employee: City Attorney

(e) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City Negotiator: Human Resources Director Liz Brown

Employee Groups: Professional & Technical Group, Mid-Management & Confidential Group, Milpitas Employees Association; Milpitas Police Officers Association; and unrepresented employees

Under Negotiation: Wages, Hours, Benefits and Working Conditions

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

- Present Certificates to "All Hearts One Bullet" High School Event Organizers
- Proclaim Philippines Independence Day for June 12, 2019

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three (3) minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

- C1. Receive City Council Calendars of Meetings for June and July 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Cancel the Milpitas City Council Regular Meeting on Tuesday, August 6, 2019 due to National Night Out events and Call for a Special City Council meeting on Tuesday, August 13, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation:

- 1) Move to cancel the Milpitas City Council Regular Meeting on Tuesday, August 6, 2019 due to National Night Out events.
- 2) Call for a Special City Council meeting on Tuesday, August 13, 2019 at 7:00 PM.

- C3. Approve City Council regular meeting minutes of June 4, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve meeting minutes of the June 4 regular City Council meeting.

- C4. Adopt Two Resolutions Approving Memorandums of Understanding between the City of Milpitas and United Public Employees of California Mid-Management and Confidential Unit (MidCon) and the Milpitas Professional and Technical Group (ProTech); and Adopt a Resolution updating the Unrepresented Miscellaneous, Police and Fire Management Salary and Benefit Matrix (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Adopt three City Council Resolutions:

1. Adopt a Resolution approving a new Memorandum of Understanding between the City of Milpitas and United Public Employees of California Mid-Management and Confidential Unit (MidCon) covering the period of July 1, 2019 through June 30, 2023.
2. Adopt a Resolution approving a new Memorandum of Understanding between the City of Milpitas Professional and Technical Group (ProTech) covering the period of July 1, 2019 through June 30, 2023.
3. Adopt a Resolution updating the Unrepresented Miscellaneous, Police and Fire Management Salary and Benefit Matrix covering the period of July 1, 2019 through June 30, 2023.

C5. Adopt a Resolution Certifying Election Results and Adding Tract No. 10470 to Community Facilities District 2005-1 (Annexation No. 20); Approve Final Tract Map No. 10470; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Mixed Use Development at 808 South Main Street (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

1. Adopt a Resolution certifying election results and adding Tract No. 10470 to Community Facilities District 2005-1 (Annexation No. 20); and
2. Approve Final Tract Map No. 10470, accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
3. Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Eighty-Eight Homes LLC.

C6. Adopt a Resolution to Approve Project Plans and Specifications, and Award a Construction Contract for the Base Bid plus Add Alternates 1 and 4 for the Milpitas Skate Park and Concession/Storage/Restroom Buildings, Projects No. 5111, No. 3424 and No. 6133; and Approve a Budget Appropriation (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- 1) Adopt a Resolution to approve Project Plans and Specifications and award a construction contract for the Base Bid plus Add Alternates 1 and 4 and authorize the Interim City Manager to execute the contract with the Lowest Responsible Bidder Submitting a Responsive Bid, Suarez and Munoz Construction, Inc., in the amount of \$4,579,156 for the Milpitas Skate Park and Concession/Storage/Restroom Buildings, Projects No. 5111, No. 3424 and No. 6133, and authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$690,000;
- 2) Approve a Budget Appropriation in the amount of \$800,000 from the General Fund Unassigned Reserves.

C7. Adopt a Resolution Authorizing the City Manager to Execute a Lease with Xerox Corporation for Copier/Multifunction Digital Devices and Full Service Maintenance through a Cooperative Procurement Contract by Region 4 Educational Services Center for a maximum contract amount of \$292,867 for 60 months (Staff Contact: Chris Schroeder, 408-586-3161)

Recommendation: Adopt a Resolution authorizing the City Manager to execute a lease with Xerox Corporation for copier/multifunction digital devices and full service maintenance through a Cooperative Procurement Contract by Region 4 Educational Services Center for a 60-month (5 year) maximum contract amount of \$292,867.

C8. Approve a Professional Services Agreement with Strategic Economics to develop an Economic Development Strategy (Staff Contact: Alex Andrade, 408-586-3046)

Recommendation: Approve and authorize the Interim City Manager to execute a Professional Services Agreement with consultant Strategic Economics for development of an Economic Development Strategy in the amount of \$129,985.

- C9. Partial Assignment and Assumption Agreement of First Amendment to the McCarthy Ranch Development Agreement to Embarcadero Capital Partners and Bridge Development Partners (Staff Contacts: Alex Andrade, 408-586-3046 and Noa Kornbluh, 408-586-3047)**

Recommendation: Approve form Partial Assignment and Assumption Agreements to Embarcadero Capital Partners and Bridge Development Partners and authorize Interim City Manager or designee to execute the assignments subject to minor conforming and clarifying changes approved by City Attorney.

- C10. Direct the Interim City Manager to Proceed with a City Digital Billboard Guidance Study through a Professional Services Agreement (Staff Contact: Alex Andrade, 408-586-3046)**

Recommendation: Direct the Interim City Manager (or his designee) to proceed with a City Digital Billboard Guidance Study through a Professional Services Agreement.

- C11. Approve an Agreement with Peninsula Pump & Equipment Inc. for Wet Well Rehabilitation and Annual Maintenance for a total Amount Not-to-Exceed \$457,800.00 for a Five-Year Period, Subject to the Annual Appropriation of Funds (Staff Contact: Chris Schroeder, 408-586-3161 and Tony Ndah, 408-586-2602)**

Recommendation: Approve a 5-year Agreement with Peninsula Pump & Equipment Inc. from the date of execution through June 30, 2024, for a total maximum compensation of \$457,800, to provide Wet Well Rehabilitation and Annual Maintenance Services, subject to annual appropriation of funds.

- C12. Award the Contract to and Authorize the City Manager to Execute an Equipment Purchase Agreement with Stageline Mobile Stage, Inc. for an SL100 Mobile Stage (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendation: Award the bid to and authorize the City Manager to execute an Equipment Purchase Agreement with Stageline Mobile Stage, Inc. in the amount of \$190,543 for the purchase of a Stageline SL100 Mobile Stage.

- C13. Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Waterstone Community Association for Waterstone Residential Project at 1494-1600 California Circle (Staff Contact: Kan Xu, 408-586-3253)**

Recommendation: Approve and authorize the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Waterstone Community Association for Waterstone Residential Project at 1494-1600 California Circle.

- C14. Approve Amendment No. 1 to the Agreement with Best, Best & Krieger, LLP, and Budget Amendment (Staff Contact: Jane Corpus, 408-586-3125)**

Recommendations:

1. Approve Amendment No. 1 to the agreement with Best, Best & Krieger, LLP increasing the Agreement's not to exceed amount to \$2,862,250 and extending the term to June 30, 2021.
2. Approve a budget amendment to appropriate an additional \$337,000 to the City Attorney's operating budget in Fiscal Year 2018-19.

PUBLIC HEARINGS

15. **Conduct a Public Hearing and Introduce Ordinance No. 38.834 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 13, 15, 24, 53, 55, 57, and 64 to Streamline the Development Review Process by Establishing an Administrative Hearing Process and Discontinuing the Planning Commission Subcommittee (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendations:

1. Conduct a public hearing and move to close the hearing following comments.
2. Consider the Exemption in accordance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and CEQA Guidelines Section 15378(b)(5) (Not a Project).
3. Following the City Attorney reading aloud the title of Ordinance No. 38.834, move to waive the first reading beyond the title and introduce Ordinance No. 38.834 Amending Milpitas Municipal Code Title XI, Chapter 10, Section 2 ("Definitions"), Section 13 ("Special Uses"), Section 15 ("Special Events and Activities"), Section 24 ("Signs"), Section 53 ("Off-Street Parking Regulations"), Section 55 ("Exceptions"), Section 57 ("Applications"), and Section 64 ("Development Review Process").

COMMUNITY DEVELOPMENT

16. **Adopt a Resolution Approving an Amendment to the Bylaws Governing the Milpitas Planning Commission (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendation: Adopt a Resolution approving an amendment to the bylaws governing the Milpitas Planning Commission.

PUBLIC SAFETY

17. **Consider Introduction of Ordinance No. 172.6 to amend Milpitas Municipal Code, Title III, Chapter 6 Relating to Massage Establishments and Practitioners (Staff Contact: Christopher Diaz, 408-586-3041)**

Recommendations:

1. Following a reading aloud of the title of Ordinance No. 172.6 by the City Attorney, move to waive the first reading beyond the title.
2. Introduce Ordinance No. 172.6 to amend Milpitas Municipal Code, Title III, Chapter 6 relating to massage establishments and practitioners.

LEADERSHIP AND SUPPORT SERVICES

18. **Receive an Update on the City Council Rules Subcommittee and Provide Direction on Rules Subcommittee Scope (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Receive an update on the City Council Rules Subcommittee and provide direction on Rules Subcommittee scope.

19. **Adopt a Resolution Affirming Appointment of Steven McHarris as City Manager on an interim basis and Approving Specified Salary and Benefits for the Position, and Approve a Budget Amendment (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Adopt a Resolution affirming the appointment of Steven McHarris as City Manager on an interim basis and approving specified salary and benefits for the position; and approve a FY 2019-20 Budget Amendment to appropriate \$203,000 from the General Fund Unassigned Reserves.

REPORT OF MAYOR & COUNCILMEMBERS

20. **Consider the Appointment to the Planning Commission of One Planning Commissioner (Staff Contact: Christopher Diaz, 408-586-3041)**

Recommendation: Consider appointment of one new Planning Commissioner to a term on the City of Milpitas Planning Commission that will expire in December 2020.

NEXT AGENDA PREVIEW

21. **Receive Preview List for the Next Regular City Council Meeting Scheduled for August 6, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

ADJOURNMENT

NEXT CITY COUNCIL MEETING **TUESDAY, AUGUST 6 (or 13), 2019**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.
Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.